



Docket No. 4822-111.1 US

The undersigned certifies that this communication is being deposited with the United States Postal Service as prepaid first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 24, 2005.

  
Christopher S. Casieri

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of : Customer No.  
Shibnath GHOSAL : 26817  
Serial No. 10/824,271 : Group Art Unit: 1654  
Filed: April 14, 2004 : Examiner: Thomas Sweeney Heard  
Title: OXYGENATED DIBENZO-ALPHA- : Confirmation No. 6209  
PYRONE-CHROMOPROTEINS :

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

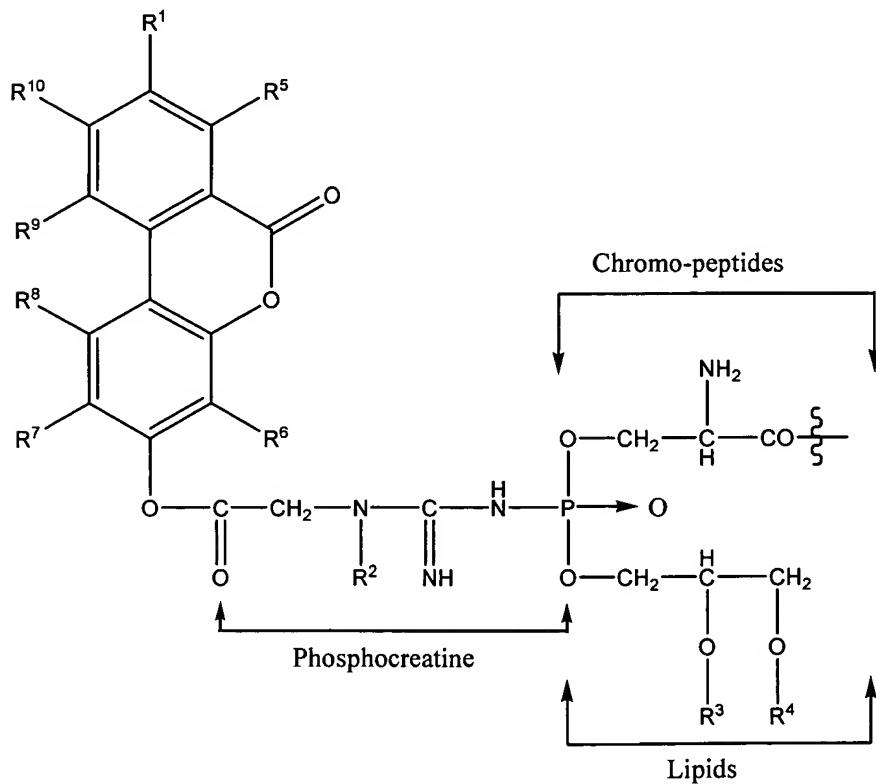
Sir:

In response to the Office Communication of August 31, 2005, please amend the Response of July 25, 2005 as follows:

In an June 2, 2005 Office Action, the Examiner required restriction to one of the following groups:

- I. Claims 1-19 and 26-29, drawn to composition of Formula I, classified in class 514, subclass 2.
- II. Claim 20-23, drawn to a process for isolating DCPs of Formula I from shilajit, fossilized coral and fossilized ammonites classified in class 514, subclass 2.
- III. Claim 24, drawn to a process for isolating DCP compositions from invertebrates, classified in class 514, subclass 2.
- IV. Claims 25, 30, 32, 33, 36, and 37 drawn to a method of treatment through the use of the compounds of Formula I, classified in class 514, subclass 2.

Applicants now elect the following species with all variables defined for prosecution:



where  $R^1$  is OH,  $R^2-R^3$  is H,  $R^4$  is  $C_{18}$  fatty acid, and  $R^5-R^{10}$  are H. This identified species is readable on the claim in the elected group, Group 1, claims 1-19 and 26-29.

Applicants hereby elect with traverse Group I, claims 1-19 and 26-29, drawn to composition of Formula I, classified in class 514, subclass 2, for prosecution in this application. Applicants submit that a search of the system of Group I would uncover the processes and methods of Groups II, III and IV. Applicants respectfully request the right to file a divisional application directed to the unelected claims.

A prompt action on the merits is earnestly solicited. The Examiner is invited to telephone the undersigned should he believe this would expedite prosecution of this application. It is believed no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,



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Reg. No. 50,919  
Attorney for Applicant

Dated: October 24, 2005

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